

[illegible]

3.

The Plaintiff's Response to Summary Judgment Motion was not filed until July 10, 2012. At that time, Plaintiff also filed a Motion to Continue Summary Judgment Hearing. This issue was resolved by an Agreed Order and the hearing was continued until August 15, 2012. (Agreed Order attached hereto as Exhibit A.)

4.

Hearing on the pending Motion was not held until September 26, 2013.

5.

Hearing on the pending Motion was delayed due to Plaintiff's counsel's refusal to cooperate regarding setting of the hearing date, I understand due to family issues on the part of Plaintiff's counsel from August 15, 2012, through September 26, 2013. Counsel for Ace European Group Limited and Tapco Underwriters Inc. attempted to communicate with Plaintiff's counsel numerous times during this time period. Plaintiff's counsel, however, does not have electronic mail, and his voicemail was frequently full. He did not return telephone calls. Plaintiff's counsel never file a leave of absence with the Court, but out of courtesy, the other counsel in this matter attempted to consider his schedule when setting the hearing based on his family issues during this time period. When it became obvious that Plaintiff had no intention of progressing the case, Counsel for all defendants set the hearing for Summary Judgment on September 26, 2013.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 27<sup>th</sup> November 2013.

/s/ Nanette L. Wesley

NANETTE L. WESLEY

*Counsel for Defendants Ace European  
Group Limited and Tapco Underwriters Inc.*